

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



April 7, 2011

Scott Anderson, Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

Dear Mr. Anderson,

This is to acknowledge receipt of the Town of Tiburon submittal pertaining to Ordinance No. 523N.S. with findings on February 23, 2011. As the law states, no local modification or change to the California Building Standards Code (Code) shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.

It appears that your submittal includes amendments to energy efficiency standards. Local amendments exceeding energy efficiency standards are not enforceable until a finding is made by the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2) and Title 24, Part 1, Section 10-106. A copy of this letter is being sent to the Energy Commission for their information. The remainder of your submittal has been filed in our office as of the date noted above.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Building Standards Commission in order to become effective when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Building Standards Commission.

This letter attests only to the filing of these local modifications with the Building Standards Commission, which is not authorized by law to determine the merit of the filing. The filing of the energy efficiency standards portion of this ordinance will not be complete without the approval of the California Energy Commission. If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Joe Loyer, California Energy Commission
Chron
Local Filings



Community Development Department

February 17, 2011

Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

RE: Town of Tiburon Local Amendments to State Building Codes

Dear Sir or Madam:

Please find attached for your files a copy of the recently-enacted Town of Tiburon ordinance making local amendments to the California Building Code as adopted by the State of California, based on local climatic, geological, and topographical conditions.

It is my understanding that on January 31, 2011, your office was sent under separate cover the Application for Locally Adopted Energy Standards pursuant to Title 24. Should you need another copy of that application, please let me know. Please be advised that the building standards contained in the attached, adopted ordinance did not change from those upon which the application is based.

If you have any questions, I may be reached at (415) 435-7392.

Very truly yours,

Scott Anderson
Director of Community Development

Enc: Town of Tiburon Ordinance No. 523 N. S., effective February 18, 2011

Cc: Fred Lustenberger, Tiburon Building Official
Laurie Tyler, Associate Planner

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Jeff Slavitz
Mayor

Jim Fraser
Vice Mayor

Richard Collins
Councilmember

Alice Fredericks
Councilmember

Emmett O'Donnell
Councilmember

Margaret A. Curran
Town Manager

ORDINANCE NO. 523 N. S.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN
OF TIBURON AMENDING PROVISIONS OF TITLE IV,
CHAPTER 13 OF THE TIBURON MUNICIPAL CODE
(BUILDING REGULATIONS)

The Town Council of the Town of Tiburon does ordain as follows:

Section 1. Findings.

- A. The Town Council held a public hearing on January 5, 2011, and has heard and considered any and all public testimony on this matter.
- B. The Town Council finds that all notices and procedures required by law attendant to the adoption of this Ordinance have been followed.
- C. The Town Council finds that the amendments made by this Ordinance are necessary for the protection of the public health, safety, and welfare.
- D. The Town Council has found that the amendments made by this Ordinance are consistent with the goals and policies of the Tiburon General Plan.
- E. The Town Council finds that the adoption of this Ordinance is ministerially exempt from the requirements of CEQA and is also exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines.

Section 2. Amendments.

Tiburon Municipal Code Title IV, Chapter 13 (Building Regulations) is hereby amended as follows:

- A. **Article I (In General) of Chapter 13 of the Tiburon Municipal Code is amended in its entirety to read as follows:**

13-1 Building Inspection Division and Building Official position established.

- (a) There is established a building inspection division of the town pursuant to section 103 of the California Building Code as adopted in Article II of this chapter.
- (b) The position of building official is hereby established and the Building Official shall act as the administrative head of the building division of the town.

13-2 Permits required.

- (a) Building permits. No person shall erect, construct, enlarge, alter, move, improve, demolish, or perform non-maintenance-related repairs to any building or structure in the town, or cause the same to be done, without first obtaining a separate building permit for each such building or structure, as required by the Technical Codes adopted in Article II of this chapter, from the Building Inspection Division.
- (b) Plumbing permits. No person shall do or cause or permit to be done any plumbing or sanitary drainage work without first obtaining a permit for such work, as required by the Technical Codes adopted in Article II of this chapter, from the building inspection division.
- (c) Heating and comfort cooling permits. No person shall install, alter, construct or perform non-maintenance related repairs to any heating, ventilating, comfort cooling or refrigeration equipment without first obtaining a permit for such work, as required by the Technical Codes adopted in Article II of this chapter, from the Building Inspection Division.
- (d) Electrical permits. No person shall do any wiring or install any fixed electrical equipment without first obtaining a permit for such work, as required by the Technical Codes adopted in Article II of this chapter, from the building inspection division.
- (e) Excavation and grading permits. Except as exempted in Appendix J, Section 103.2 of the California Building Code adopted in Article II of this chapter, no person shall do any excavating or grading without first obtaining a grading permit from the building inspection division.
- (f) Swimming pools and similar. No person shall install, alter, or perform non-maintenance related repairs to any swimming pool, hot tub or spa without first obtaining a permit for such work, as required by the Technical Codes adopted in Article II of this chapter, from the building inspection division.
- (g) The building official may impose supplemental permit conditions that are in his reasonable discretion necessary to promote the public health, safety or welfare.

13-3 Fees.

- (a) Before any permit required by this chapter is issued, the applicant shall pay to the building inspection division the prescribed fee as established by the current Building Division Fee Schedule adopted by resolution of the town council. If any work that requires a permit is commenced without a permit having first been obtained, the fee for the required permit shall be as set forth in the current Building Division Fee Schedule adopted by resolution of the town council and the penalty shall be as set forth in the current Schedule of Fines adopted by resolution of the town council.
- (b) Where it is found that work is being done under this chapter without a permit and that such work would, under the terms of this chapter, require a permit,

there shall be charged an investigation fee in the amount established in the current Building Division Fee Schedule adopted by resolution of the town council. The investigation fee shall be in addition to all other fees and fines/penalties set forth in subsection (a). The fees and penalties shall be paid before any application for permit shall be considered.

- (c) Where more than one reinspection of any item requiring inspection has to be made because work has not been ready or defects have not been corrected, a fee, as established in the current Building Division Fee Schedule adopted by resolution of the Town Council, will be charged for each additional reinspection, and shall be paid before final approval of the work.
- (d) No permit for new work on a property shall be issued until all outstanding fines, fees, and/or penalties have been paid and all inspections completed on work performed under previously-issued permits that have not been finalized and have expired by limitation.

B. Article II (Technical Codes) of Chapter 13 of the Tiburon Municipal Code is amended in its entirety to read as follows:

13-4 Adoption by reference of technical codes.

For the purpose of establishing proper regulations for building construction, for the installation of plumbing, gas appliances and electrical systems, and for the storage and handling of flammable liquids, the codes or portions thereof set forth in this article are adopted and are made a part of this chapter by reference without further publication or posting thereof, and not less than one certified copy, along with the deletions and exceptions therefrom and additions and amendments thereto, shall be kept on file for use and examination by the public in the office of the town clerk.

13-4.1 Building Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2010 California Building Code, (based on the International Building Code, 2009 Edition), Volume 1 and Volume 2, including the following appendices: Appendix Chapter 1, and Appendices F, H, I and J as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2, hereinafter referred to as the "California Building Code", save and except such portions as are hereinafter amended or modified by Section 13-4.1.1 of this chapter.

13-4.1.1 Amendments made to the 2010 California Building Code.

The California Building Code is amended to read as follows:

- (a) Section 1.8.5.1 is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged.)

- (b) Section 1.8.8.1 is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the town council from appointing the town council as the local appeals board or housing appeals board.

- (c) Chapter 1, Division II is modified as follows:

- (1) Section 104.6 is amended to add the following phrase to the end of the last sentence:

“, including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California.”

- (2) Section 105.2 is amended to delete subsections 2, 4, 5, 6, and 12, and to revise subsections 1 and 7 as follows:

1. Detached accessory structures used as playhouses or play structures providing the floor area does not exceed 120 square feet, the structure does not exceed twelve feet in height as defined by Article X, Section 16-100 of the Tiburon Municipal Code, and the structure contains no plumbing, electrical or heating appliances.

7. Painting, papering, tiling, carpeting, counter tops and similar finish work, except that repaving and/or restriping of parking lots shall require a permit.

- (3) Section 105.5 is amended to read as follows:

1. All permits issued by the Building Official shall expire by limitation and become null and void eighteen months from the date the permit is issued, except as follows:

- a. Where the project is unusually large or complex, a twenty-four month permit may be issued in the reasonable discretion of the Building Official at the time of initial application; or
 - b. Where the permittee has proceeded with due diligence and made substantial progress but is unable to complete the project because of unforeseen circumstances beyond the control of the permittee, one extension of up to six months may be granted, without payment of additional fees or penalties. In determining whether due diligence has been exercised, the Building Official shall consider whether work began promptly after permit issuance, whether work was conducted on a regular basis and any other relevant facts. Decisions of the Building Official made pursuant to this paragraph may be appealed to the local appeals board.
2. Once the initial permit and/or approved six month extension has expired, a Stop Work Order shall be issued and work shall not recommence until the permit is reactivated. Reactivation shall be allowed only if there have been no changes in the original plans and specifications and a Reactivation Charge equal to the full original fee is paid. A Reactivation Charge, for purposes of this section, is both a fee to recover the cost of providing additional building inspection division services and a penalty for failure to complete the project within the allotted time. A permit reactivated under this subsection shall be valid for six months from the date of initial expiration.
3. If the project is not completed within the six month extension allowed under subsection (2) above, a Stop Work Order shall be issued on the date of expiration and work shall not recommence until the permit is reactivated. Reactivation of the permit for a second six month period shall be allowed only if there have been no changes in the original plans and specifications and a Reactivation Charge equal to three times the full original fee is paid. The Building Official may, in his sole discretion, reduce the penalty based on such reasons as the project's nearness to completion and/or the cause of the delay. A permit reactivated under this subsection shall be valid for an additional six months from the date of initial expiration.
4. If the project is not completed within the six month extension allowed under subsection (3) above, a Stop Work Order shall be issued and the matter referred to the local appeals board for resolution. The local appeals board may reactivate the permit upon submission and acceptance of a completion schedule for the project and payment of five times the full original fee as a Reactivation

Charge, and provided that there have been no changes in the original plans and specifications. The local appeals board may, in its sole discretion, reduce the penalty based on such reasons as the project's nearness to completion and/or the cause of the delay.

5. If the project is not completed within the six month extension allowed under subsection (4) above, or pursuant to this subsection (5), a Stop Work Order shall be issued and the matter referred to the local appeals board for resolution. The local appeals board may impose additional requirements, such as the retention of a qualified contractor for owner/builder projects or retention of a qualified construction manager for a contracted project, in order to promote swift completion. The local appeals board may reactivate the permit upon imposition of any such conditions deemed reasonable, and payment of five times the full original fee as a Reactivation Charge, provided that there have been no changes in the original plans and specifications.

- (5) Section 109.2 is amended to read as follows:

109.2 Schedule of Fees.

On buildings, structures, electrical, gas, mechanical and plumbing system alterations requiring a permit, a fee for each permit shall be required as set forth in the Building Division Fee Schedule as adopted by resolution of the Tiburon Town Council and amended from time to time.

- (6) Section 109.4 is amended to read as follows:

109.4 Work commencing before permit issuance.

Any person who commences any work without a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty as set forth in the Town's Schedule of Fines, established by resolution of the Tiburon Town Council and amended from time to time.

- (7) Section 113.3 is amended by adding thereto the following sentence:

Nothing contained in this section shall prevent the town council from appointing the town council as the board of appeals.

- (d) Section 501.2 is amended to read as follows:

501.2 Address Numbers.

1. The following standards for address markings shall apply to residential buildings:
 - a. All residential structures shall display a street number in a prominent position so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four inches in height, and one-half inch in width, of a color contrasting to the background and located so they may be clearly seen and read. If a building is not easily visible from the street, then the numbers are to be mounted at the access drive leading to the building.
 - b. At each vehicular access to a multiple family dwelling complex having four or more buildings, there shall be an illuminated diagrammatic representation (plot plan) of the complex, which shows the location of the viewer and the building units within the complex.
 - c. In multiple family dwelling complexes, any building having a separate identifying factor other than the street number shall be clearly identified in the manner described in subsection a. Each individual unit of residence shall have a unit identifying number, letter, or combination thereof displayed upon the door.
 - d. Maps of the multiple family complex will be furnished to the police and fire departments upon completion of construction. The maps shall include building identification and unit identification.
 - e. Buildings shall be numbered in such a manner and sequence as to meet with the approval of the enforcing authority.
 - f. This section shall not prevent supplementary numbering such as reflective numbers on street curbs or decorative numbering, but this shall be considered supplemental only and shall not satisfy the requirements of this section.
2. The following standards for address markings shall apply to commercial buildings:
 - a. The address number of every commercial building shall be located and displayed so that it shall be easily visible from the street.
 - b. The numerals in these numbers shall be no less than six inches in height, one-half inch in width, and of a color contrasting to the background. In addition, any business which affords vehicular access to the rear through any

driveway, alleyway, or parking lot shall also display the same numbers on the rear of the building.

- c. When required by the building official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number height and width shall comply with Section 501.2.

- (e) Section 903.2, first sentence, is amended to read as follows:

903.2 Where required.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section, provided that where applicable code provisions adopted by either the Tiburon Fire Protection District or Southern Marin Fire Protection District are more restrictive, the latter shall control.

- (f) Section 1013.1 is amended by adding the following sentence:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

- (g) Section 1505 is amended to read as follows:

The roof covering on any structure regulated by this code shall be as specified in California Building Code Chapter 15 with the following conditions:

1. All new buildings and new additions shall have at least a Class A-listed or noncombustible roof covering.
2. Where alterations or repairs to existing roofs involve more than fifty percent of the total area of an existing building within a one year time period, the entire roof shall be retrofitted with at least a Class A-listed or noncombustible roof.
3. Where applicable code provisions adopted by either the Tiburon Fire Protection District or Southern Marin Fire Protection District are more restrictive, the latter shall control.

- (h) Appendix J "GRADING" is amended as follows:

J103.3 Grading Permit Fees. Fees shall be as set forth in the Building Division Fee Schedule established by resolution of the Tiburon Town Council as amended from time to time.

J110.3 Mud, Loose Dirt, or Debris on Public Street. No person, firm or corporation who has a valid building, demolition or grading permit shall permit any mud, loose dirt or debris to be removed from the job site and deposited on any public street or sidewalk.

13-4.2 Residential Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public, that certain code known as the 2010 California Residential Code (based on the International Residential Code, 2009 edition), including Appendices G, H, and J published by the International Code Council, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2.5, hereinafter referred to as the "California Residential Code," save and except such portions as are hereinafter amended or modified by Section 13-4.2.1 of this chapter.

13-4.2.1 Amendments to the 2010 California Residential Code.

The 2010 California Residential Code is amended as follows:

- (a) Section 1.8.5.1 is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged.)

- (b) Section 1.8.8.1 is amended by adding a sentence to the end that reads as follows:

"Nothing contained in this section shall prevent the town council from appointing the town council as the local appeals board or housing appeals board."

- (c) Chapter 1, Division II is modified as follows:

- (1) Section 104.6 is amended to add the following phrase to the end of the last sentence:

“, including the warrant provisions of Section 1822.50 et. seq. of

the Code of Civil Procedure of the State of California.”

(2) Section 105.2 is amended to delete (building) subsections 2, 3, 4, 5, 9, and 10, and to revise subsections 1 and 6 to read as follows:

1. Detached accessory structures used as playhouses or play structures providing the floor area does not exceed 120 square feet, the structure does not exceed twelve feet in height as defined by Article X, Section 16-100 of the Tiburon Municipal Code, and the structure contains no plumbing, electrical or heating appliances.
6. Painting, papering, tiling, carpeting, counter tops and similar finish work, except that repaving and/or restriping of parking lots shall require a permit.

(3) Section 105.5 is amended to read as follows:

Section 105.5 Expiration.

1. All permits issued by the Building Official shall expire by limitation and become null and void eighteen months from the date the permit is issued, except as follows:
 - a. Where the project is unusually large or complex, a twenty-four month permit may be issued in the reasonable discretion of the Building Official at the time of initial application; or
 - b. Where the permittee has proceeded with due diligence and made substantial progress but is unable to complete the project because of unforeseen circumstances beyond the control of the permittee, one extension of up to six months may be granted, without payment of additional fees or penalties. In determining whether due diligence has been exercised, the Building Official shall consider whether work began promptly after permit issuance, whether work was conducted on a regular basis and any other relevant facts. Decisions of the Building Official made pursuant to this paragraph may be appealed to the local appeals board.
2. Once the initial permit and/or approved six month extension has expired, a Stop Work Order shall be issued and work shall not recommence until the permit is reactivated. Reactivation shall be allowed only if there have been no changes in the original plans and specifications and a Reactivation Charge equal to the full original fee

is paid. A Reactivation Charge, for purposes of this section, is both a fee to recover the cost of providing additional building inspection division services and a penalty for failure to complete the project within the allotted time. A permit reactivated under this subsection shall be valid for six months from the date of initial expiration.

3. If the project is not completed within the six month extension allowed under subsection (2) above, a Stop Work Order shall be issued on the date of expiration and work shall not recommence until the permit is reactivated. Reactivation of the permit for a second six month period shall be allowed only if there have been no changes in the original plans and specifications and a Reactivation Charge equal to three times the full original fee is paid. The Building Official may, in his sole discretion, reduce the penalty based on such reasons as the project's nearness to completion and/or the cause of the delay. A permit reactivated under this subsection shall be valid for an additional six months from the date of initial expiration.
4. If the project is not completed within the six month extension allowed under subsection (3) above, a Stop Work Order shall be issued and the matter referred to the local appeals board for resolution. The local appeals board may reactivate the permit upon submission and acceptance of a completion schedule for the project and payment of five times the full original fee as a Reactivation Charge, and provided that there have been no changes in the original plans and specifications. The local appeals board may, in its sole discretion, reduce the penalty based on such reasons as the project's nearness to completion and/or the cause of the delay.
5. If the project is not completed within the six month extension allowed under subsection (4) above, or pursuant to this subsection (5), a Stop Work Order shall be issued and the matter referred to the local appeals board for resolution. The local appeals board may impose additional requirements, such as the retention of a qualified contractor for owner/builder projects or retention of a qualified construction manager for a contracted project, in order to promote swift completion. The local appeals board may reactivate the permit upon imposition of any such conditions deemed reasonable, and payment of five times the full original fee as a Reactivation Charge, provided that there have been no changes in the original plans and specifications

(d) Section R319.1 is amended to read as follows:

R319.1 Address Numbers.

- (1) The following standards for address markings shall apply to residential buildings:
- a. All residential structures shall display a street number in a prominent position so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four inches in height, and one-half inch in width, of a color contrasting to the background and located so they may be clearly seen and read. If a building is not easily visible from the street, then the numbers are to be mounted at the access drive leading to the building.
 - b. At each vehicular access to a multiple family dwelling complex having four or more buildings, there shall be an illuminated diagrammatic representation (plot plan) of the complex, which shows the location of the viewer and the building units within the complex.
 - c. In multiple family dwelling complexes, any building having a separate identifying factor other than the street number shall be clearly identified in the manner described in subsection a. Each individual unit of residence shall have a unit identifying number, letter, or combination thereof displayed upon the door.
 - d. Maps of the multiple family complex will be furnished to the police and fire departments upon completion of construction. The maps shall include building identification and unit identification.
 - e. Buildings shall be numbered in such a manner and sequence as to meet with the approval of the enforcing authority.
 - f. This section shall not prevent supplementary numbering such as reflective numbers on street curbs or decorative numbering, but this shall be considered supplemental only and shall not satisfy the requirements of this section.

- (e) Section 1013.1 is amended by adding the following sentence:

“Guards are also required at waterfront bulkheads, fixed piers and gangways.”

- (f) Sections R313.3, first sentence, is amended to read as follows:

R313.3 Where required.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section, provided that where

applicable code provisions adopted by either the Tiburon Fire Protection District or Southern Marin Fire Protection District are more restrictive, the latter shall control.

- (g) Section R905 is amended to read as follows:

The roof covering on any structure regulated by this code shall be as specified in California Residential Code Chapter 9 with the following conditions:

1. All new buildings and new additions shall have at least a Class A-listed or noncombustible roof covering.
2. Where alterations or repairs to existing roofs involve more than fifty percent of the total area of an existing building within a one year time period, the entire roof shall be retrofitted with at least a Class A-listed or noncombustible roof.
3. Where applicable code provisions adopted by either the Tiburon Fire Protection District or Southern Marin Fire Protection District are more restrictive, the latter shall control.

13-4.3 Plumbing Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2010 California Plumbing Code, (based on the Uniform Plumbing Code, 2009 Edition), including Appendices A, B, D, I, and L published by the International Association of Plumbing and Mechanical Officials, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 5, hereinafter referred to as the "California Plumbing Code", save and except such portions as are hereinafter amended or modified by Section 13-4.3.1 of this chapter.

13-4.3.1 Amendments made to the 2010 California Plumbing Code.

The 2010 California Plumbing Code is amended as follows:

- (a) Section 1.8.5.1 is amended to modify the first sentence to read as follows:

Section 1.8.5.1 General. Subject to the provisions of law, including Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California, officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code.

(The remainder of this section is unchanged)

- (b) Section 1.8.8.1 is amended by adding the following sentence:

Nothing contained in this section shall prevent the town council from appointing the town council as the local appeals board or housing appeals board.

- (c) Section 203.0 is amended to read as follows:

The definition of "AUTHORITY HAVING JURISDICTION" is amended to read as follows:

AUTHORITY HAVING JURISDICTION -- The Authority Having Jurisdiction shall mean the building official or his duly authorized representative.

- (d) Section 207.0 is amended as follows:

The definition of "ENFORCING AGENCY" is amended to read as follows:

ENFORCING AGENCY -- The enforcing agency shall be the Building Division of the Community Development Department of the Town of Tiburon.

- (e) Chapter 1, Division II is amended as follows:

- (1) Section 101.1 is amended to read as follows:

These regulations shall be known as the California Plumbing Code, may be cited as such, and will be referred to herein as "this code".

- (2) Section 103.2.1 is amended to read as follows:

103.2.1 Application. To obtain a permit, the applicant shall apply to the Authority Having Jurisdiction for that purpose. Every such application shall:

(The remainder of this section is unchanged.)

- (3) Section 103.4.1 is amended to read as follows:

103.4.1 Permit Fees. Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee, which fee shall be as set forth in the Building Division

Fee Schedule adopted by resolution of the Tiburon Town Council and amended from time to time.

- (4) Section 103.4.2 is deleted.
- (5) Section 103.5.6 is amended to replace the fourth paragraph with the following:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Building Division Fee Schedule adopted by resolution of the Tiburon Town Council and amended from time to time.

- (6) Table 1-1 is deleted.
- (f) Section 701.1.2 is amended to read as follows:

ABS and PVC DWV piping installations shall be limited to residential construction not more than two stories in height.

13-4.4 Electrical Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the "2010 California Electrical Code" (based on the National Electrical Code, 2008 Edition) as published by the National Fire Protection Association, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 3.

13-4.4.1 Amendments made to the 2010 California Electrical Code.

The California Electrical Code is amended or modified as follows:

- (a) Section 89.108.4.2 is amended to read as follows:

89.108.4.2 Fees. Any person desiring a permit required by this code shall, at the time of issuance thereof, pay a fee, which shall be as set forth in the Building Division Fee Schedule adopted by resolution of the Tiburon Town Council and amended from time to time.

- (b) Section 89.108.5.1 is amended to modify the first sentence to read as follows:

Section 89.108.5.1 General. Subject to other provisions of law, including Section 1822.50 et. seq. of the Code of Civil Procedure of the State of

California, officers and agents of the Building Official may enter and inspect public and private properties to secure compliance with the provisions of this code.

(The remainder of this section is unchanged.)

- (c) Section 89.108.8.1 is amended by adding the following sentence:

Nothing contained in this section shall prevent the Town Council from appointing the Town Council as the local appeals board or housing appeals board.

- (d) Article 100 is amended to read as follows:

The definition of “Authority Having Jurisdiction” is amended to read as follows:

Authority Having Jurisdiction (AHJ)—The Authority Having Jurisdiction shall mean the Building Official or his or her duly authorized representative.

- (e) Section 210.12 (B) is amended by adding the following sentence:

The provisions of this section shall apply to existing dwelling units when electrical service panels or sub-panels are replaced or upgraded.

13-4.5 Fire Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2010 California Fire Code, as adopted and modified by the current Tiburon Fire Protection District and Southern Marin Fire Protection District ordinances, which Code and ordinances are hereby referred to, ratified, and made a part hereof as if fully set forth herein. Copies of said ordinances are on file and available for public inspection in the office of the town clerk.

13-4.6. Housing Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, hereinafter referred to as the “Uniform Housing Code”, save and except such portions as are hereinafter changed or modified by Section 13-4.6.1 of this chapter.

13-4.6.1 Amendments made to the 1997 Uniform Housing Code.

The Uniform Housing Code is amended as follows:

- (a) Section 103 is amended to revise the second sentence of the first paragraph to read as follows:

Such occupancies in existing buildings may be continued as provided by the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations, except such structures as are found to be substandard as defined by this code.

- (b) Section 104.1 is amended to read as follows:

Section 104.1 Additions, Alterations or Repairs. All buildings or structures that are required to be repaired under the provisions of this code shall be subject to the provisions of the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations.

- (c) Section 201.1 is amended to revise the first paragraph to read as follows:

The building official and his designees are hereby authorized and directed to enforce all of the provisions of this code. For such purposes, such officials shall have the powers of law enforcement officers.

- (d) Section 201.2 is amended to read as follows:

Section 201.2. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this title, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises an immediate threat to health and safety, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code; provided, that if such building or premises be occupied he shall first present proper credentials and demand entry; and if such building or premises be unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official, or his authorized representative, shall have recourse to every remedy provided by law to secure entry, including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California.

- (e) Section 203.1 is amended by adding thereto the following sentence:

Nothing contained in this section shall prevent the town council from appointing the town council as the housing advisory and appeals board.

- (f) Section 301 is amended to read as follows:

SECTION 301—GENERAL

No building or structure regulated by this code shall be erected, constructed, enlarged altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained as required by the Building Code.

- (g) Section 302 is deleted.

- (h) Section 303 is amended to read as follows:

SECTION 303-INSPECTION

Buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official as provided by this code and in accordance with the applicable requirements of the Building Code.

- (i) Section 401 is amended as follows:

The definition of “Building Code” in Section 401 is amended to read as follows:

BUILDING CODE is the California Building Code as adopted with amendments by the Town of Tiburon.

- (j) A definition for “Building Official” is added to Section 401 to read as follows:

BUILDING OFFICIAL is the building official in the Community Development Department of the Town of Tiburon.

- (k) The definition of “Mechanical Code” in Section 401 is amended to read as follows:

MECHANICAL CODE is the California Mechanical Code as adopted with amendments by the Town of Tiburon.

The definition of "Plumbing Code" in Section 401 is amended to read as follows:

PLUMBING CODE is the California Plumbing Code as adopted with amendments by the Town of Tiburon.

13-4.7 Mechanical Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2010 California Mechanical Code (based on the Uniform Mechanical Code, 2009 Edition) as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 4, hereinafter referred to as the "California Mechanical Code", save and except such portions as are hereinafter amended or modified by Section 13-4.7.1 of this chapter.

13-4.7.1 Amendments made to the 2010 California Mechanical Code.

The 2010 California Mechanical Code is amended as follows:

(a) Chapter 1, Division II is amended as follows:

(1) Section 101.0 is amended to read as follows:

These regulations shall be known as the California Mechanical Code, may be cited as such, and will be referred to herein as "this code"

(2) Section 108.3 is amended to add the following phrase to the end of the last sentence:

“, including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California.”

(3) Section 110.1 is amended by adding thereto the following sentence:

Nothing contained in this section shall prevent the town council from appointing the town council as the Board of Appeals.

(4) Section 115.1 is amended to read as follows:

115.1 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Building Division

Fee Schedule adopted by resolution of the Tiburon Town Council and amended from time to time.

- (5) Section 115.2 is amended to read as follows:

115.2 Permit Fees. Any person desiring a permit required by this code shall, at the time of issuance for the permit, pay a fee, which fee shall be as set forth in the Building Division Fee Schedule adopted by resolution of the Tiburon Town Council and amended from time to time.

- (6) Section 115.3 is deleted.

- (7) Section 116.6 is amended to replace the third paragraph with the following:

To obtain re-inspection, the applicant shall first pay the re-inspection fee in accordance with the Building Division Fee Schedule adopted by resolution of the Tiburon Town Council and amended from time to time.

- (8) Table 1-1 is deleted.

- (b) Section 203.0 is amended as follows:

The definition of "AUTHORITY HAVING JURISDICTION" is amended to read as follows:

AUTHORITY HAVING JURISDICTION -- The Authority Having Jurisdiction shall mean the building official or his duly authorized representative.

- (c) Section 207.0 is amended as follows:

The definition of "ENFORCING AGENCY" is amended to read as follows:

ENFORCING AGENCY -- The enforcing agency shall be the Building Division of the Town of Tiburon.

13-4.8 Dangerous Building Code.

The Dangerous Building Code of the Town shall be the California Code for the Abatement of Dangerous Buildings, 1997 edition, as published by the International Conference of Building Officials, on file with the office of the Town Clerk, which Code is hereby referred to, adopted and made a part hereof as if fully set forth

herein, save and except such portions as are hereinafter amended or modified by Section 13-4.8.1 of this chapter.

13-4.8.1 Amendments made to the 1997 California Code for the Abatement of Dangerous Buildings.

The California Code for the Abatement of Dangerous Buildings is amended as follows:

- (a) Section 103 is amended to read as follows:

SECTION 103—ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations.

- (b) Section 201.3. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this title, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises an immediate threat to health and safety, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code; provided, that if such building or premises be occupied he shall first present proper credentials and demand entry; and if such building or premises be unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official, or his authorized representative, shall have recourse to every remedy provided by law to secure entry, including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California.

- (c) Section 203 is deleted.

- (d) Section 204 is amended to read as follows:

SECTION 204—INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official as provided in this code and in accordance with the applicable requirements of the Building Code.

- (e) Section 205 is amended by adding thereto the following:

Nothing contained in this section shall prevent the town council from appointing the town council as the Board of Appeals.

- (f) Section 301 is amended as follows:

The definition of “Building Code” is amended to read as follows:

BUILDING CODE is the California Building Code as adopted with amendments by the Town of Tiburon.

- (g) A definition of “Building Official” is added to read as follows:

BUILDING OFFICIAL is the Building Official in the Community Development Department of the Town of Tiburon.

13-4.9 Green Building Standards Code.

The Town hereby adopts, for the purpose of providing minimum requirements to enhance the public health and welfare and assure that residential and commercial development is consistent with the Town’s desire to create a more sustainable community by incorporating green building measures into the design, construction, and maintenance of buildings and appurtenant development, that certain code known as the California Green Building Standards Code, 2010 edition (also known as the 2010 CALGreen Code) as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 11, herein referred to as the “CALGreen Code,” save and except such portions as are hereinafter amended or modified by Section 13-4.9.1 of this chapter.

13-4.9.1 Amendments made to the 2010 CALGreen Code.

The California Green Building Standards Code is amended as follows:

- (a) Section 101.3 is amended to read as follows:

101.3 Scope. The provisions of this code shall apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure, additions to existing dwelling units that constitute at least five hundred square feet of conditioned floor area, additions to nonresidential buildings that equal or exceed three thousand square feet.

(The remainder of this section is unchanged.)

13-4.10 Energy Code.

The Energy Code of the Town shall be the California Energy Code, 2010 edition, and the appendices thereof, as published by the California Building Standards Commission, on file with the office of the Town Clerk, which Code and appendices are hereby referred to, adopted and made a part hereof as if fully set forth herein, except that the first paragraph of Section 20.3 is deleted.

13-4.11 Building Standards Code.

The Referenced Standards Code of the Town shall be the California Building Standards Code, California Code of Regulations, 2010 edition, Title 24, Part 8 (Historical Building Code), Part 10 (Existing Building Code), and 12 (Referenced Standards Code), as published by the International Code Council, on file with the office of the Town Clerk, which Code is hereby referred to, adopted and made a part hereof as if fully set forth herein.

13-4.12 Administrative Code.

The Administrative Code of the Town shall be the California Administrative Code, California Code of Regulations, Title 24, Part 1, 2010 edition, as published by the International Code Council, on file with the office of the Town Clerk, which Code is hereby referred to, adopted and made a part hereof as if fully set forth herein.

C. Article V (Energy Efficiency Standards for Single-Family Dwellings Greater Than Three Thousand Five Hundred Square Feet) of Chapter 13 of the Tiburon Municipal Code is amended in its entirety to read as follows:

13-5.1.1 Purpose.

The purpose of this section is to reduce the annual and peak energy consumption of large single-family homes.

13-5.1.2 Definitions.

As used in this section:

“Adjusted proposed design total” means the proposed building energy use, in KBtu/sf-yr, calculated by the state approved alternative calculation method (ACM) less any PV credit.

“Adjusted standard design total” means the performance energy budget, in KBtu/sf-yr, which this section establishes for all building to which it applies. It is defined as the standard design total (KBtu/sf-yr) obtained from any state-approved residential alternative calculation method (ACM) multiplied by the

Standard Design Adjustment Factor contained in Table A below.

Table A
Standard Design Adjustment Factors

House Size (Total Conditioned Sq. Ft.)	Adjustment Factor
3,501—4,499	0.918
4,500—5,499	0.826
5,500—6,499	0.700
6,500—7,499	0.629

“Conditioned floor area” has the meaning set forth in Section 101(b) of the 2010 California Energy Code.

“PV credit” means the energy credit applicable to the proposed design for a solar photovoltaic system that is capable of generating electricity from sunlight and supplying it directly to the building; and is connected, through a reversible meter, to the utility grid. The amount of PV credit under this chapter is defined as W_o multiplied by 13.262 KBtu/sf-yr time dependent value energy, where W_o is a unitless value calculated as the rated watts of the proposed photovoltaic system divided by the total conditioned floor area of the building.

13-5.1.3 Buildings covered.

The provisions of this section shall apply to all new single-family dwellings greater than three thousand five hundred (3,500) square feet of total conditioned floor area, and additions to existing single-family dwellings which together with any other additions made after the enactment of this chapter in the aggregate exceed five hundred (500) square feet where the total conditioned floor area of the building exceeds three thousand five hundred (3,500) square feet.

13-5.1.4 Exceptions.

The provisions of this section shall not apply to building area used for a secondary dwelling unit, or to any project that received and maintains a valid planning approval or a building permit, or which has submitted a complete planning application or building permit application prior to the effective date of the ordinance, unless otherwise required as a condition of approval of the planning application.

13-5.1.5 Basic requirements.

All buildings covered by this section shall meet both of the following:

- A. The adjusted standard design total energy budget, in source KBtu/sf-yr, using the state-approved performance compliance approach, and
- B. All other provisions applicable to low rise residential buildings contained in the 2010 California Energy Code.

13-5.1.6 Permit forms.

In addition to the standard Title 24 report submitted to the building division, an ordinance compliance form and worksheet will be required, which shall be available at the building division.

Section 3. Findings Pursuant to Health & Safety Code.

- A. California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions. Therefore, the Town of Tiburon hereby finds that these changes or modifications to the Building Code as adopted herein are reasonably necessary because of the following local climatic, geological and topographical conditions:

I. Climatic conditions:

- a. Most of the annual rainfall in Tiburon occurs during the winter, it receives no measurable precipitation between May and October. During this time, temperatures average between 60 and 85 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-Ana winds.
- b. Most of the annual rainfall in Tiburon occurs during the winter, and some portions of Tiburon are subject to tidal influences, there are times that flooding conditions occur in low-lying areas.
- c. Tiburon is situated within a densely populated major metropolitan area (the San Francisco Bay Area) that generates and releases into the atmosphere significant quantities of greenhouse gases, which have detrimental effects to the local climate as determined by the State of California.

II. Geologic conditions:

- a. Tiburon lies near several earthquake faults, including the very active San Andreas Fault and the Hayward Fault, and there are significant potential hazards such as road

closures, fires, collapsed buildings, and isolation of residents requiring assistance.

- b. Much of the Downtown commercial area is located on bay alluvial soils, which are subject to liquefaction in the event of an earthquake.

III. Topographic conditions:

- a. Much of Tiburon is located in steep, hilly areas; many of the residential areas are heavily landscaped; and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and dales results in narrow and winding roads, and limited water supply.
- b. The major arterial route between Tiburon and U. S. Highway 101 is Tiburon Boulevard (State Highway 131). Should that highway become impassable, the only alternative roadway on and off the Peninsula is Paradise Drive, a narrow, winding road easily subject to closure in storms and having an extensive history of lane failures due to unstable soils and poor drainage. This would result in traffic congestion, severely limiting emergency access.

IV. Adoption by Reference of Tiburon Fire Protection District Findings:

The Town Council further adopts by reference all applicable climatic, geological, and topographical conditions findings of the Tiburon Fire Protection District and Southern Marin Fire Protection District in their most recently-enacted ordinances adopting and modifying the California Fire Code.

- B. The above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

Building Code Section Number	Climatic, geological and topographical condition
501.2	Ia, IIa, IIIa, IV
903.2	Ia, IIa, IIIa, IIIb, IV
1013.1	Ib, IIa, IV
1505	Ia, IV
101.3 (CALGreen)	Ic

Section 4. Severability.

If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the

Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 5. Effective Date.

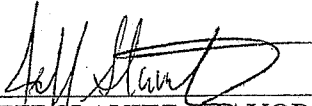
A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of Town Clerk at least five (5) days prior to the Council meeting at which it is adopted. This Ordinance shall be in full force and effect thirty (30) days after the date of adoption, and the summary of this Ordinance shall be published within fifteen (15) days after its adoption, together with the names of the Councilmembers voting for or against same, in a newspaper of general circulation in the Town of Tiburon, County of Marin, State of California.

This ordinance was read and introduced at a regular meeting of the Town Council of the Town of Tiburon, held on the 5th day of January, 2011, and was adopted at a regular meeting of the Town Council of the Town of Tiburon, held on the 19th day of January, 2011, by the following vote:

AYES: COUNCILMEMBERS: Collins, Fraser, Fredericks, O'Donnell & Slavitz

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


JEFF SLAVITZ, MAYOR
TOWN OF TIBURON

ATTEST:


DIANE CRANE IACOPI, TOWN CLERK

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